

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO. 2:06-CR-32

v.

HON. ROBERT HOLMES BELL

MARK ALLEN KELLER, JR.,

Defendant.

\_\_\_\_\_ /

**MEMORANDUM OPINION AND ORDER**

This matter is before the Court on Defendant's Motion for Modification or Reduction of Sentence Pursuant to 18 U.S.C. §3582(c)(2) (docket #308). Based on a review of Defendant's motion, the Sentence Modification Report, submission by defense counsel, and the original criminal file, the Court has determined that the motion should be denied as follows:

Defendant was sentenced on Count 2 of an Indictment charging Distribution of an Unspecified Quantity of Cocaine Base in violation of 21 U.S.C. § 841(a) and 841(b)(1)(C). Defendant was sentenced as a career offender within the meaning of U.S.S.G. § 4B1.1(a). As such, defendant is ineligible for a reduction in sentence. Accordingly,

Defendant's Motion for Modification or Reduction of Sentence (docket #308) is **DENIED.**

DATED: October 22, 2009

/s/ Robert Holmes Bell  
ROBERT HOLMES BELL  
UNITED STATES DISTRICT JUDGE